

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONA DOBRICH, et al., :
 :
 Plaintiffs, :
 :
 v. : Civil Action No. 05-120-JJF
 :
 INDIAN RIVER SCHOOL DISTRICT, :
 et al., :
 :
 Defendants. :

O R D E R

WHEREAS, the parties filed letters concerning a dispute over subparagraph 2(f)(2) in the proposed Revised Scheduling Order for discovery on all remaining issues other than the constitutionality of the School Board's prayer policy;

WHEREAS, subparagraph 2(f)(2) provides that during any physical or mental examinations of a minor, that minor's parent, legal guardian or attorney must be present;

WHEREAS, Plaintiffs contend that subparagraph 2(f)(2) should be included in the Revised Scheduling Order, because it was previously agreed to by Defendants' former counsel;

WHEREAS, Defendants currently object to the inclusion of subparagraph 2(f)(2) on the grounds that the presence of a parent or attorney during a mental health examination may impede frank discussion between the examiner and the patient;

WHEREAS, the Court has reviewed the parties' positions and concludes that Plaintiffs' proposal of satisfying subparagraph

2(f)(2) with the contemporaneous observation of the minor's examination by a parent, legal guardian or attorney via closed-circuit video feed or other indirect observation is an appropriate method of alleviating Defendants' concerns;

NOW THEREFORE, IT IS HEREBY ORDERED that compliance with subparagraph 2(f)(2) of the proposed Revised Scheduling Order entered by the Court shall be achieved through the contemporaneous observation of the minor's examination by a parent, legal guardian or attorney via closed-circuit video feed or other indirect observation. These methods of observation are not required for physical examinations, but shall be utilized for all examinations impacting the mental condition of a minor.

December 12, 2006

Date


UNITED STATES DISTRICT JUDGE